

FINAL BILL REPORT

ESHB 3078

C 42 L 04

Synopsis as Enacted

Brief Description: Revising timelines for sealing juvenile records. (REVISED FOR ENGROSSED: Concerning access to information on the existence of sealed juvenile records.)

Sponsors: By House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Dickerson, Boldt, Flannigan, Kagi and Pettigrew).

House Committee on Juvenile Justice & Family Law
Senate Committee on Children & Family Services & Corrections

Background:

The official juvenile court file of a juvenile offender is open to the public unless the file has been sealed by court order. If a juvenile court grants a motion to seal a record, the court vacates the original adjudication and orders the record to be sealed. Thereafter, the proceedings in the case are treated as if they never occurred.

Prior to 1997, a juvenile record could be sealed if the court found that two years had elapsed from the time of the adjudication and that no criminal proceeding was pending against the person. In 1997, the juvenile record sealing statute was changed as a part of a comprehensive modification of the juvenile court system.

A juvenile record may be sealed if the person seeking sealing is over the age of 18, there is no proceeding pending against the person, restitution has been paid, the offense is not a class A or sex offense, and the person has spent a specified number of years in the community without committing an offense.

The length of time a person must spend in the community without committing an offense depends on the seriousness of the offense which the person is seeking to seal.

- Juvenile records relating to class B offenses may be sealed if the offender has spent 10 consecutive years in the community without committing an offense.
- Juvenile records relating to class C offenses may be sealed if the offender has spent five consecutive years in the community without committing an offense.
- Juvenile records relating to gross misdemeanors may be sealed if the offender has spent three consecutive years in the community without committing an offense.
- Juvenile records relating to juvenile misdemeanor convictions and diversions may be sealed if the offender has spent two consecutive years in the community without committing an offense.

Summary:

The requirement that a juvenile be at least eighteen years old before he or she may request that his or her juvenile record be sealed is removed. A juvenile may request his or her record be sealed at any age.

The length of time a person must spend in the community without committing an offense before his or her record may be sealed is decreased:

- Juvenile records relating to class B offenses may be sealed if the offender has spent five consecutive years in the community without committing an offense.
- Juvenile records relating to class C, gross misdemeanor, misdemeanor offenses, and diversions may be sealed after the offender has spent two consecutive years in the community without committing an offense.

The Administrative Office of the Courts is required to ensure that the Superior Court Judicial Information System provides prosecutors access to information on the existence of a sealed juvenile court record.

Votes on Final Passage:

House	96	0	
Senate	47	0	(Senate amended)
House	95	0	(House concurred)

Effective: June 10, 2004